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F0994

PATENT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 19 2003

OFFICE OF PETITIONS

In re Application of: Peter Chow  
Serial No.: 09/911,907  
Filed: July 23, 2001  
Group Art Unit: 2152  
Before the Examiner: To Be Assigned  
Title: METHOD TO COMMUNICATE PHY MEAN SQUARE  
ERROR TO UPPER LAYER DEVICE DRIVER FOR  
RATE NEGOTIATION

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

1. Applicants are concerned that this application became abandoned or will become abandoned since Applicants used the original form PTO/SB/36 (rev. 11-00) to rescind a previous nonpublication request.

2. Applicants had relied upon the United States Patent and Trademark Office's ("USPTO's") original form PTP/SB/36 (rev. 11-00) to both rescind the previous nonpublication request pursuant to 35 U.S.C. §122(b)(2)(B)(ii) and 37 C.F.R. §1.213(b) as well as to provide notice of such foreign filing pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c). However, the USPTO has since provided notice that original form PTP/SB/36 (rev 11-00) was deficient in that it did not provide notice of foreign filing under 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c). Applicants use of the original form PTO/SB/36 (rev. 11-00) to both rescind the previous nonpublication request and to provide notice of foreign filing was unintentional.

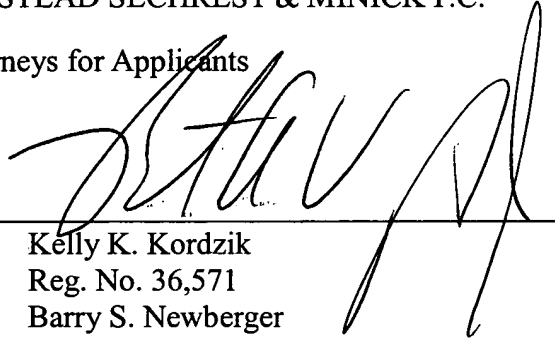
3. A notice of foreign filing is attached herewith.
4. Applicants status is a large entity.
5. The Commissioner is hereby authorized to charge Deposit Account No. 01-0365 (F0994) in the amount of \$1,300.00 for the petition fee.
6. If a petition to revive an abandoned application is not necessary, Applicants kindly request a refund to the deposit account in the above amount.
7. If a petition to revive an abandoned application is necessary, Applicants kindly request a refund to the deposit account in the above amount in consideration of Applicants relying upon the USPTO's deficient form.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

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